

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN THE MATTER OF AN ARBITRATION  
BETWEEN

AGRERA INVESTMENTS LTD.

Petitioner,

v.

VLADIMIR PALANT ET AL.,

Respondents.

13 Civ. 8721 (KPF) (JFC)

**CERTIFICATE OF SERVICE**

I, Joaquin P. Terceño, an attorney admitted to practice before the courts of the State of New York, hereby certify that:

On the 11th day of December 2013, I have caused service of the Summons for Respondent Boris Pokrass, Civil Cover Sheet, Notice of Petition for an Order Confirming Arbitral Award and Entering Judgment in Favor of Petitioner, Petition to Confirm Arbitral Award and to Enter Judgment in Favor of Petitioner, Affidavit of Jonathan I. Blackman in Support of Petition by Agrera Investments Limited to Confirm Arbitral Award and to Enter Judgment in Favor of Petitioner, and Exhibits A-C attached thereto filed in the above-captioned matter pursuant to Sections 11.02 and 11.05 of the Membership Interest Purchase Agreement dated July 19, 2007 entered into by Mr. Vladimir Palant, Mr. Boris Pokrass, Mr. Mark Severinovskiy (now represented by Severinovskiy Family Trust) and Mr. Alex Zdanov, as amended, as well as copies of the Electronic Case Filing Rules & Instructions of the Southern District of New York, by Federal Express delivery to the following address:

Boris Pokrass  
Lubel Coal Company Ltd.

56 B. Khmel'nitskogo Street  
Kiev, Ukraine

Boris Pokrass  
445 E. North Water Street, #1301  
Chicago, Illinois

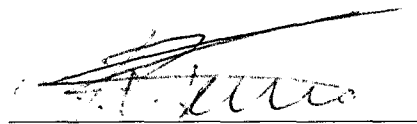
The Federal Express confirmation that such materials were delivered to the above address in Chicago, Illinois on the 12th day of December, 2013 is attached hereto as Exhibit 1.

The Federal Express confirmation and accompanying correspondence showing evidence of delivery at the above address in Kiev, Ukraine on the 8th day of January, 2014 is attached as Exhibit 2.

Further, on the 11th Day of December, 2013, I caused to be sent true copies of the documents by Federal Express delivery and by facsimile to Mr. Pokrass's counsel in the arbitration giving rise to the award sought to be confirmed in the Petition:

Gary P. Hollander  
Strauss & Malk LLP  
135 Revere Drive  
Northbrook, Illinois 60062  
(847) 562-1422

Dated: New York, New York  
February 18, 2014

  
Joaquin P. Terceño

# **Exhibit 1**

**From:** [trackingupdates@fedex.com](mailto:trackingupdates@fedex.com) [<mailto:trackingupdates@fedex.com>]  
**Sent:** Thursday, December 12, 2013 11:58 AM  
**To:** Carlson, Emily  
**Subject:** FedEx Shipment 567029280635 Delivered

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This tracking update has been requested by:

Company Name:	CLEARY GOTTLIEB STEEN HAMILTON LLP
Name:	NYC MAILROOM
E-mail:	<a href="mailto:NYC.MAILROOM@CGSH.COM">NYC.MAILROOM@CGSH.COM</a>
Message:	RECPT.

---

Our records indicate that the following shipment has been delivered:

Reference:	08766-08714268
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Ship (P/U) date: Dec 11, 2013  
Delivery date: Dec 12, 2013 10:54 AM  
Sign for by: C.GOMEZ  
Delivery location: CHICAGO, IL  
Delivered to: Residence  
Service type: FedEx Priority Overnight  
Packaging type: FedEx Pak  
Number of pieces: 1  
Weight: 2.00 lb.  
Special handling/Services: Deliver Weekday  
Residential Delivery

Tracking number: 567029780635

Shipper Information	Recipient Information
NYC MAILROOM	BORIS POKRASS
CLEARY GOTTILIEB STEEN HAMILTON LLP	#1301
1 LIBERTY PLAZA	445 E.NORTH WATER STREET
42TH FL	CHICAGO
NEW YORK	IL
NY	US
US	60611
100061404	

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 10:58 AM CST on 12/12/2013.

To learn more about FedEx Express, please visit our website at [fedex.com](http://fedex.com).

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](http://fedex.com).

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and [fedex.com](http://fedex.com)'s terms of use, go to [fedex.com](http://fedex.com).

Thank you for your business.

# Exhibit 2

**From:** [trackingupdates@fedex.com](mailto:trackingupdates@fedex.com) [<mailto:trackingupdates@fedex.com>]  
**Sent:** Wednesday, January 08, 2014 11:42 AM  
**To:** O'Leary, Margaret K.  
**Subject:** FedEx Shipment 567029280808 Delivered

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This tracking update has been requested by:

Company Name: CLEARY GOTTLIEB STEEN HAMILTON  
LLP  
Name: NYC MAILROOM  
E-mail: [NY-MAILROOM@CGSH.COM](mailto:NY-MAILROOM@CGSH.COM)

---

Our records indicate that the following shipment has been delivered:

Reference: 00379-00214268  
Ship (P/U) date: Dec 11, 2013  
Sign for by: ..K.SHEVCHENKO  
Delivery location: KIEV,  
Service type: FedEx International Priority  
Packaging type: FedEx Pak  
Number of pieces: 1  
Weight: 2.00 lb.  
Special handling/Services: Deliver Weekday  
Tracking number: 567029280808

Shipper Information	Recipient Information
NYC MAILROOM	BORIS POKRASS
CLEARY GOTTLIES STEEN HAMILTON LLP	42 ARTEMA STREET
1 LIBERTY PLAZA	KIEV
42TH FL	UA
NEW YORK	510
NY	

US

100061404

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 10:42 AM CST on 01/08/2014.

To learn more about FedEx Express, please visit our website at [fedex.com](http://fedex.com).

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](http://fedex.com).

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to [fedex.com](http://fedex.com).

Thank you for your business.



**From:** Victoria [<mailto:victoria@elin.kiev.ua>]  
**Sent:** Tuesday, February 11, 2014 9:28 AM  
**To:** Van Kote, Camille  
**Cc:** [fedex@elin.kiev.ua](mailto:fedex@elin.kiev.ua); [trace@elin.kiev.ua](mailto:trace@elin.kiev.ua)  
**Subject:** Re: Fedex Confirmation

Hi, Camille.

Sorry, but we do not have hard copy of this shipment because we started working with new technology

scanning packages. So we do not have hard copies any longer!

I have spoken with Karina Shevchenko on phn is 380 (44) 206 1726 ,she verbally confirmed that she has personally received

this shipment on 01/08 at adress: lubel coal co,

56 b. khmel'nitskogo st

kiev ua

<mailto:victoria@elin.kiev.ua>

Hello,

Thank you for your help on the phone. Let me know when this will be able to be completed.

Thanks,

Camille

---

Camille Van Kote | Litigation Paralegal  
Cleary Gottlieb Steen & Hamilton LLP  
One Liberty Plaza, New York NY 10006  
t: +1 212 225 3527 | f: +1 212 225 3999  
[www.clearygottlieb.com](http://www.clearygottlieb.com) | [cvankote@cgsh.com](mailto:cvankote@cgsh.com)

**From:** Van Kote, Camille  
**Sent:** Tuesday, February 11, 2014 7:44 AM  
**To:** 'victoria@elin.kiev.ua'  
**Subject:** Fedex Confirmation

Hello,

Can someone please correct the information in the tracking confirmation below. As you see the recipient information lists:

BORIS POKRASS  
42 ARTEMA STREET  
KIEV  
UA, 510

But it should be:  
Lubel Coal

56 B. Khmelnytskogo Street  
Kiev, Ukraine

Thanks,

Camille

Original Message-----

From: [trackingupdates@fedex.com](mailto:trackingupdates@fedex.com) [mailto:[trackingupdates@fedex.com](mailto:trackingupdates@fedex.com)]  
Sent: Wednesday, January 08, 2014 11:42 AM  
To: O'Leary, Margaret K.  
Subject: FedEx Shipment 567029280808 Delivered

---

This tracking update has been requested by:

Name: 'not provided by requestor'  
E-mail: 'not provided by requestor'

Message: Contact name: margret o'leary

---

Our records indicate that the following shipment has been delivered:

Reference: 00379-00214268  
Ship (P/U) date: Dec 11, 2013  
Sign for by: ..K.SHEVCHENKO  
Delivery location: KIEV,  
Service type: FedEx International Priority  
Packaging type: FedEx Pak  
Number of pieces: 1  
Weight: 2.00 lb.  
Special handling/Services: Deliver Weekday

Tracking number: 567029280808

Shipper Information Recipient Information  
NYC MAILROOM BORIS POKRASS  
CLEARY GOTTLIES STEEN HAMILTON LLP 42 ARTEMA STREET  
1 LIBERTY PLAZA KIEV  
42TH FL UA  
NEW YORK 510  
NY  
US  
100061404

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mailbox. This report was generated at approximately 10:41 AM CST on 01/08/2014.

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All weights are estimated.

To track the status of this shipment online, please use the following:  
<https://urldefense.proofpoint.com/v1/url?u=https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers%3D567029280808%26language%3Den%26opco%3D%26clienttype%3Ddivpodalrt&k=lnx%2BBlgWoYv8tdrGR7hiwg%3D%3D%0A&r=m%2BvAvGuM33uGH7hiTvVMDg%3D%3D%0A&m=bG1%2BkzQIKgu9zIe9gaPYyl%2BGVawUmUc%2FPeh%2Bs%2Fti0TE%3D%0A&s=cfc7823f5b52741e3f4e2fd49d178d8094235db4b7e8ca3cdc177800c2c34577>

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Thank you for your business.

Camille Van Kote | Litigation Paralegal  
Cleary Gottlieb Steen & Hamilton LLP  
One Liberty Plaza, New York NY 10006  
t: +1 212 225 3527 | f: +1 212 225 3999  
[www.clearygottlieb.com](http://www.clearygottlieb.com) | [cvankote@cghs.com](mailto:cvankote@cghs.com)

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